

LORI A. ZUCCO, Cochise County Attorney
BY: PAUL CORREA, Chief Civil Deputy County Attorney
Arizona State Bar No. 017187
BY: DYLAN HENDEL, Civil Deputy County Attorney
Arizona State Bar No. 039642
P.O. Drawer CA
Bisbee, Arizona 85603
(520) 432-8700
cvattymeo@cochise.az.gov
Attorney for Defendant Mark Dannels, Cochise County Sheriff

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Jane Doe, an individual; John Doe I, an individual; John Doe II, an individual; and Minor Doe, a minor, by and through his guardian, John Doe II,

Plaintiffs,

vs.

Kris Mayes, Arizona Attorney General, in her official capacity; Col. Jeffrey Glover, Director of the Arizona Department of Public Safety, in his official capacity; Russ Skinner, Sheriff of Maricopa County, Arizona, in his official capacity; Joe Dedman, Sheriff of Apache County, Arizona, in his official capacity; Mark Dannels, Sheriff of Cochise County, Arizona, in his official capacity; Jim Driscoll, Sheriff of Coconino County, Arizona, in his official capacity; Adam Shepherd, Sheriff of Gila County, Arizona, in his official capacity; Preston Allred, Sheriff of Graham County, Arizona, in his official capacity; Tim Sumner, Sheriff of Greenlee County, Arizona, in his official capacity; William Ponce, Sheriff of La Paz County, Arizona, in his official capacity;

CASE NO. 2:24-CV-2259-MTL

**COCHISE COUNTY SHERIFF
MARK DANNELS' ANSWER TO
FIRST AMENDED COMPLAINT
FOR DECLARATORY AND
INJUNCTIVE RELIEF PURSUANT
TO 42 U.S.C. § 1983**



Doug Shuster, Sheriff of Mohave County, Arizona, in his official capacity; David Clouse, Sheriff of Navajo County, Arizona, in his official capacity; Chris Nanos, Sheriff of Pima County, Arizona, in his official capacity; Mark Lamb, Sheriff of Pinal County, Arizona, in his official capacity; David Hathaway, Sheriff of Santa Cruz, County, Arizona, in his official capacity; David Rhodes, Sheriff of Yavapai County, Arizona, in his official capacity; and Leon Wilmot, Sheriff of Yuma County, Arizona, in his official capacity,

Defendants.

COMES NOW Defendant Mark Dannels, Cochise County Sheriff (“Defendant Dannels”), for his Answer to Plaintiffs’ First Amended Complaint for Declaratory and Injunctive Relief Pursuant to 42 U.S.C. § 1983 and admits, denies, and alleges as follows:

In response to the unenumerated prefatory section on pages 2-4 of the First Amended Complaint, Defendant Dannels answers as follows: 1) the multi-page statement is not a plain and concise statement of fact or law and does not conform with the Rules of Civil Procedure and requires no answer; 2) Defendant Dannels admits that Plaintiffs name and identify certain statutes; 3) Defendant Dannels lacks sufficient information on which to form a basis to admit or deny the factual statements, and so denies them at this time; 4) Defendant Dannels denies the legal allegations.

GENERAL DENIAL

Every allegation of the Complaint not expressly admitted is denied.



ANSWERS TO ALLEGATIONS

Jurisdiction and Venue

1. Cochise County Defendant admits that a governmental entity may be subject to jurisdiction under 42 U.S.C. § 1983 but denies that Sheriff Dannels' actions are unconstitutional. Otherwise, lacks sufficient knowledge or information to form a belief as to the truth of the allegations in Paragraph 1 and denies them.
2. Admits this Court has jurisdiction over civil actions authorized by law. Otherwise denies the allegations of Paragraph 2.
3. Admits that statutes and rules cited provide for declaratory and injunctive relief in limited situations. Otherwise denies the allegations of Paragraph 3.
4. Admits that Sheriff Dannels resides in Arizona and that venue may be proper under 28 U.S.C. § 1391(b)(2). Otherwise denies the allegations of Paragraph 4.

Parties

5. As to Plaintiffs' paragraphs describing Jane Doe, John Doe I, John Doe II, and Minor Doe (Paragraphs 5-62), Cochise County Defendant lacks sufficient knowledge or information to form a belief as to the truth of those allegations and therefore denies them.
6. Cochise County Defendant notes that the Court denied Plaintiffs' Motion for Preliminary Injunction as alleged in Paragraphs 20, 21, 36, 37, 50 and 51. Otherwise denies for lack of sufficient information.
7. As to Defendants, admits Sheriff Dannels is the elected Cochise County Sheriff and is sued in his official capacity (Paragraph 67).



1 8. As to all other counties and state officials, admits Kris Mayes has been dismissed
2 as a party by Order of the Court (Paragraph 63); that Jerry Sheridan is Maricopa
3 County Sheriff (Paragraph 65); that Bret Axlund is Coconino County Sheriff
4 (Paragraph 68); that Eric Ellison is Greenlee County Sheriff (Paragraph 71); and
5 that Ress Teeple is Pinal County Sheriff (Paragraph 76). Otherwise lacks sufficient
6 information to form a belief and therefore denies.
7

8 Statutes and Duties (Paragraphs 80-165)

9 9. Admits only that Arizona sheriffs carry out duties imposed by statute (e.g., sex
10 offender registration and notification under A.R.S. §§ 13-3821, 13-3825, 13-3827).
11

12 10. To the extent allegations are legal conclusions, speculative, or argumentative,
13 denies.
14

15 11. As to Plaintiffs' descriptions of bills (SB 1404, SB 1236) and statutory amendments,
16 defers to the plain language of the cited statutes and admits only what those texts
17 state. Otherwise denies for lack of sufficient knowledge.

18 Factual Allegations and Claims (Paragraphs 166-182; 146-164 as renumbered)

19 12. Cochise County Defendant notes that the Court dismissed the claims set forth in
20 Paragraphs 165(2)-177(2), 178(2)-190, 191-203, 204-216, 217-230, 231-246, 247-
21 265, 285-294, and 320-331. Thus, the allegations in these paragraphs do not require
22 a response.

23 13. Cochise County Defendant lacks sufficient knowledge or information to form a
24 belief as to the truth of Plaintiffs' allegations regarding the alleged burdens or effects
25 of registration and therefore denies them.



Causes of Action (all Counts alleged against Sheriff Dannels)

14. Cochise County Defendant realleges and incorporates his responses above. He denies that Plaintiffs are entitled to declaratory, injunctive, or any other relief against him.

AFFIRMATIVE DEFENSES

Without waiving the foregoing denials, Cochise County Defendant asserts the following defenses:

1. **Non-jural entity:** The Cochise County Sheriff's Office is not a jural entity capable of being sued. *See Braillard v. Maricopa Cnty.*, 224 Ariz. 481 (App. 2010).
2. **Failure to state a claim:** Plaintiffs fail to state a claim upon which relief may be granted.
3. **Qualified immunity:** Sheriff Dannels is entitled to qualified immunity for actions taken in his official capacity that did not violate clearly established statutory or constitutional rights. *See Clement v. City of Glendale*, 518 F.3d 1090 (9th Cir. 2008).
4. **Standing:** Plaintiffs lack standing to assert claims against Sheriff Dannels because they do not allege any specific injury traceable to him.
5. **Case or Controversy:** Plaintiffs have not established an Article III case or controversy as to Cochise County Defendant.
6. **Reservation:** Cochise County Defendant reserves the right to assert additional defenses as discovery progresses.



PRAYER FOR RELIEF

WHEREFORE, Defendant Sheriff Mark Dannels respectfully requests that the Court:

- A. Dismiss Plaintiffs' Complaint with prejudice as to him;
- B. Enter judgment in favor of Defendant Dannels;
- C. Award Defendant his costs and fees as permitted by law; and
- D. Grant such other and further relief as the Court deems just and proper.

Sheriff Dannels is a nominal defendant and will abide by any order or directive of the Court.

RESPECTFULLY SUBMITTED THIS 3rd day of September 2025.

LORI A. ZUCCO
Cochise County Attorney

By: /S/ Paul Correa
PAUL CORREA
Chief Civil Deputy County Attorney

By: /S/ Dylan Hendel
DYLAN HENDEL
Civil Deputy County Attorney



CERTIFICATE OF SERVICE

I hereby certify that on September 3, 2025, I electronically transmitted the attached document to the Clerk's Office using the Pacer (CM/ECF) System for filing and transmittal of a Notice of Electronic Filing to the following Pacer (CM/ECF) registrant:

Samantha K. DuMond (Bar No. 031072)
DUMOND LAW FIRM, PLLC
340 East Palm Lane, Suite A100
Phoenix, AZ 85004
Samantha@DuMondLawAZ.com

Erica T. Dubno (Bar No. 037310)
HERREHERALD PRICE FAHRINGER, PLLC
d/b/a FAHRINGER & DUBNO
43 West 43rd Street, Suite 261
New York, NY 10036
Erica.Dubno@fahringerlaw.com
Attorneys for Plaintiff

/s/ Debora Lohse

